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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,408	04/15/2004	Masaru Kawai	056207.53989US	6482
23911 7590 02/17/2009 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
EXAMINER				
CAZAN, LIVIUS RADU				
ART UNIT		PAPER NUMBER		
3729				
MAIL DATE		DELIVERY MODE		
02/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,408

Applicant(s)

KAWAI ET AL.

Examiner

LIVIOUS R. CAZAN

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/3/2008 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 10** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. In particular, claim 10 recites "a constraint force effects joining of the intermediate blank and magnetic pole claw together." It would appear claim 10 recites the intermediate blank and magnetic pole claw as separate elements which are joined together. There does not appear to be any support for this recitation in the specification,

since the intermediate blank already has magnetic pole claws thereon, the die(s) merely being used to shape this intermediate blank into the final shape.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. **Regarding claim 1**, the phrase "constraining an intermediate ... the magnetic pole claw" (lines 3-6) renders the claim indefinite because it is unclear how multiple magnetic pole claws can extend from an inner peripheral surface of a magnetic pole claw. Moreover, the phrase "the magnetic pole claw" (line 6) lacks proper antecedent basis. Likewise in lines 7-10 of **claim 11**.

8. In lines 7 and 8, the phrase "applying a forming force from a radial direction of said rotor core toward the blank axis by moving a forming punch in the radial direction toward the intermediate blank" renders the claim indefinite. In particular, the radial direction of the rotor core cannot be ascertained, with respect to the other structural elements recited in the claim. Moreover, since the force is applied from a radial direction, it is unclear how moving the punch in the radial direction applies the force. Moreover, the rotor core has thus far only been recited in the preamble of the claim, and it is therefore unclear where the rotor core is positioned, relative to the intermediate blank. Similarly in lines 11 and 12 of **claim 11**.

9. **Regarding claim 2**, it is unclear what is meant by "wherein the tapered surface and the permanent-magnet fastener are during application of the forming force."

10. **Regarding claim 10**, see the rejection under 35 U.S.C. 112, first paragraph above. In line 3, the phrase "the constant force" lacks proper antecedent basis. In line 4, the phrase "the plate portion" lacks proper antecedent basis. Moreover, it is unclear how a magnetic pole claw can be joined with the intermediate blank, since the claws are already part of the intermediate blank. Further, the phrase "magnetic pole claw" in line 2 renders the claim indefinite, since it is unclear which of the claws recited in lines 3 and 4 of claim 1 is the intended claw.

11. **Regarding claim 11**, in line 12, it is unclear what is meant by "blank 2". Also, in lines 16 and 17, it is impossible to ascertain what is meant by radially on the other side of the outer peripheral end", because the radial direction is not clearly defined with respect to the other structural elements.

12. As can clearly be seen from these rejections, the claim language is confusing and does not properly set forth structural and spatial relationships between the recited elements. Merely reciting a radial direction, for example, does not in any way establish the intended direction, since any direction can be thought of as a radial direction, with respect to some chosen point. **The claims will be rejected as best understood.**

Claim Rejections - 35 USC § 103

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. **Claims 1-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US20020138968) in view of Habert (US3714484).**

15. In light of the numerous issues under 112 second paragraph, the rejection is maintained as presented in the Office Action mailed on 6/3/2008. It would appear the applied art is still pertinent. Regarding the newly added limitations, **with respect to claims 1 and 11**, a forming punch (114, Fig. 7) is certainly moved in a radial direction of the rotor core (6, Figs. 3-5), since the claim does not clearly set forth how this radial direction of the rotor core is related to the intermediate blank. See the rejection under 35 U.S.C. 112, second paragraph. **Regarding claim 10**, see the rejection under 35 U.S.C. 112, second paragraph. A constraint force is certainly applied by the elements 113, 114 in Fig. 7. **Regarding claim 11**, the intermediate blank is certainly constrained, as can be seen in Fig. 7. Moreover, the permanent magnet fastener is formed on an inner peripheral end, as claimed, and as previously discussed, in the Office Action mailed on 6/3/2008.

Response to Arguments

16. Applicant's arguments filed 12/3/2008 have been fully considered but they are not persuasive.

17. The Examiner acknowledges Applicants' request for a personal interview. However, in order to submit a response to Applicants' amendment in a timely manner,

an interview was not possible at this time. Applicants are invited to schedule an interview prior to filing a formal response to the present Office Action, in order to expedite the prosecution of the application.

18. Applicants argue the Office Action relies upon Figs. 4-8 of the Habert patent as well as col. 2, lines 28-46 thereof, to provide [a tapered surface] without pointing to anything that would have suggested by so doing magnetic noise would be abated." Applicants also argue "[t]his motivation appears to be provided solely by the Applicants in the instant application" and that impermissible hindsight has been employed.

19. The Examiner respectfully disagrees. As discussed in the Office Action mailed on 6/3/2008, Habert teaches forming a tapered surface on only one outer peripheral end of each pole claw as seen in Figs. 1-8. Moreover, Habert discusses using this structure to "solve the basic problem of noise". See col. 2, lns. 28-46. It is unclear why Applicants would argue this motivation can only be found in the instant application, since, and as shown, it is known in the prior art.

20. Applicants also discuss the newly added limitation of moving a forming punch in the radial direction of the rotor toward the intermediate blank, arguing that the applied references do not disclose this limitation. The Examiner respectfully disagrees. As discussed in the rejection under 35 U.S.C. 112, second paragraph, the present claim language is unclear and renders the claim indefinite, as the various spatial and structural relationships between the recited elements cannot be ascertained. The applied art still meets the claim limitations because the radial direction of the rotor core

is not clearly defined. It is not even clear where the rotor is, with respect to the intermediate blank.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIVIUS R. CAZAN whose telephone number is (571) 272-8032. The examiner can normally be reached on M-F 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID P. BRYANT can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729

/L. R. C./ 2/15/2009
Examiner, Art Unit 3729